

E-01345A-10-0136

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ARIZONA CORPORATION COMMISSION

ORIGINAL

May 21, 2010

David A. Rubin  
Law Offices of David A. Rubin  
3550 N. Central Avenue, Suite 1201  
Phoenix, AZ 85012-2111

RECEIVED  
2010 MAY 21 A 10:37  
AZ CORP COMMISSION  
DOCKET CONTROL

Dear Mr. Rubin,

Your letter dated May 20, 2010 faxed to the Arizona Corporation Commission ("Commission") concerning service from Arizona Public Service Company ("APS") to the Sterling International Inc. et al. has been received.

On April 8, 2010, Mr. Bien-Willner filed a formal complaint with the Commission regarding this matter. The docket number for this pending formal complaint is Docket No. E-01345A-10-0136.

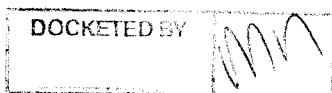
For your convenience, your letter and a copy of this response will be placed on file with the Commission's Docket Control to be made part of Mr. Bien-Willner's formal complaint record.

Thank you,

Elijah Abinah, Assistant Director  
Arizona Corporation Commission  
Utilities Division

Arizona Corporation Commission  
**DOCKETED**

MAY 21 2010



**RUBIN & SAMUELS PLC**

3550 North Central Avenue, Suite 1201

Phoenix, Arizona 85012-2111

Telephone: (602) 235-9525

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David A. Rubin\*  
Michael S. Samuels  
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\*Also admitted to practice in New York

**FACSIMILE COVER SHEET****CLIENT NAME:** STERLING INTERNATIONAL INC. ET AL.**FILE NO.:** 4029R**DATE:** May 20, 2010**TO:** Elijah Abinah, Assistant Director  
Arizona Corporation Commission - Utilities Division**FAX:** (602) 364-0888**PHONE:** (602) 542-4251**FROM:** David A. Rubin**PAGES:** 4 (including cover page)**MESSAGE:** Attachments to be mailed.

Incomplete Transmission or Problems: If you did not receive all of the page(s) noted above, or if you have any problems, please immediately notify this office at (602) 235-9525.

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May 20, 2010

### SENT VIA FACSIMILE AND U.S. MAIL

Elijah Abinah, Assistant Director  
Arizona Corporation Commission  
Utilities Division  
1200 West Washington  
Phoenix, Arizona 85007-2996

Re: Our Client: Sterling International Inc. et al.  
File No.: 4029R

Dear Mr. Abinah:

As per your directive, we corresponded with APS by the enclosed correspondence from this firm dated April 6, 2010 requesting a meeting to discuss and attempt to resolve all pending issues. In response to your directive that we provide you with APS's response, enclosed please find correspondence dated April 20, 2010 from Thomas L. Mumaw, Senior Attorney of the Law Department of Pinnacle West Corporation, declining any further meeting at this time "to go over old territory." Accompanying Mr. Mumaw's correspondence, we are also providing you with his attachment thereto.

As you can see, APS has unilaterally defined our ongoing multiple dispute as "old territory" and has once again closed the door in our face. Furthermore, APS's position is steadfastly based upon only selective data and certainly does not consider all of the data which has been presented to date.

In addition to following up with you as directed so that you can give this matter further consideration as previously promised, please be advised that our clients have been left with no choice but to file a formal complaint consistent with your previous suggestion.

History will substantiate that our clients are long standing customers of APS for many decades and have no choice but to fulfill their requirements for electricity from APS as their sole provider. APS's refusal to give any further consideration to that which has already been presented is indicative of its dogmatic approach to customers who would question the fairness and integrity of its operation. By filing the instant complaint, our clients are hopeful that the Arizona Corporation Commission will take a stance which not only protects the rights of our clients, but the multitudes that may find themselves in the same position as our clients.

Very truly yours,

  
David A. Rubin

DAR/eao  
Enclosures  
cc: Thomas L. Mumaw, Senior Attorney Pinnacle West

RECEIVED

APR 22 2010



PINNACLE WEST  
CAPITAL CORPORATION  
LAW DEPARTMENT

Thomas L. Mumaw  
Senior Attorney  
(602) 250-2052  
Direct Line

April 20, 2010

David A. Rubin, Esq.  
Rubin & Samuels PLC  
3550 North Central Avenue, Suite 1201  
Phoenix, Arizona 85012-2111

Re: APS Account Nos.: 922616280, 375400285, 037910284, 737815284, 412474280<sup>1</sup>  
File No.: 4029R

Dear Mr. Rubin:

In reference to your letter dated April 6, 2010, I have been asked to respond on behalf of Mr. Froetscher. Mr. Froetscher has met with your client on at least two prior occasions. The result of the most recent of these meetings was a letter to Mr. Bien-Willner dated March 18, 2010. A copy of that letter is attached for your convenience. APS has also provided to Mr. Bien-Willner a letter detailing the results of the Company's investigation of his complaint dated April 8, 2010. A copy of that letter is also attached for your convenience. Finally, the matter of the estimated bill at Mr. Bien-Willner's Bridgewater property, left open at the time of Mr. Froetscher's March 18<sup>th</sup> letter, has now been concluded to the Company's satisfaction and in accordance with Service Schedule 8 (Bill Estimation) as approved by the Arizona Corporation Commission ("ACC"). A copy of the letter dated April 15, 2010 to Mr. Bien-Willner relating to that account is again attached for your convenience.

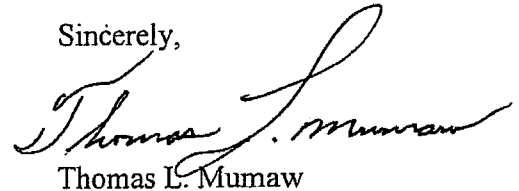
Simply stated, APS believes all the matters referenced in your April 6<sup>th</sup> letter have been addressed by the Company and, in most instances, by either the ACC or the Superior Court. Absent any new information of a tangible nature, the Company sees no value to a meeting at this time to go over old territory. If Mr. Bien-Willner has new information concerning any of these past issues, APS

<sup>1</sup> Arizona Public Service Company ("APS" or "Company") records indicated that each of these accounts is in the name of Mr. Bien-Willner, and thus he is considered the customer in each instance.

David A. Rubin, Esq.  
April 20, 2010  
Page 2 of 2

would be happy to receive such information and may then reconsider its position on an additional meeting. And of course, should new issues arise concerning any of Mr. Bien-Willner's accounts, APS encourages him to bring those issues to the Company's attention.

Sincerely,

A handwritten signature in cursive script, reading "Thomas L. Mumaw". The signature is written in dark ink and is positioned above the printed name.

Thomas L. Mumaw